

8-31-2006			
	Sponsor:		
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	Proposed No.:	2006-0113	

AMENDMENT TO PROPOSED ORDINANCE 2006-0113, VERSION 2

On page 74, beginning on line 1288, strike everything through page 80, line 1423, and insert the following:

"SECTION 19. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are each hereby amended to read as follows:

Residents of a dwelling unit may conduct one or more home occupations as accessory activities(~~(, only if)~~) as follows:

A. The total floor area of the dwelling unit and accessory buildings devoted to all home ~~((occupation or))~~ occupations ~~((shall))~~ does not exceed the total of five hundred square feet of any accessory buildings devoted to the home occupations plus twenty percent of the floor area of the dwelling unit. ~~((Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation))~~ On lots over one acre, an additional one hundred square feet of floor area of accessory buildings may be devoted to all home occupations for each additional acre, up to a maximum of one thousand square feet. No more than twenty percent of the floor area of the dwelling unit may be devoted to all home occupations;

17 B.1. In ~~((urban residential))~~ the R and UR zones, all the activities of the home ~~((occupation~~
18 ~~or))~~ occupations ~~((shall be))~~ are conducted indoors, except for those related to growing or storing
19 of plants used by the home ~~((occupation or))~~ occupations; and

20 ~~((C.))~~ 2. In A, F and RA zones(~~(:~~

21 ~~((1. The total indoor area of a home occupation shall not exceed twenty percent of the~~
22 ~~floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be~~
23 ~~considered part of the dwelling unit for purposes of calculating allowable home occupation area~~
24 ~~but may be used for storage of goods associated with the home occupation.~~

25 2. ~~Total outdoor area of a home occupation shall not exceed one percent of the size of the~~
26 ~~lot up to a maximum of five thousand square feet)), on lots less than two acres, the outdoor area of~~
27 the lot used to store materials, vehicles or equipment used in all home occupations is limited to
28 four hundred square feet. On lots two acres or larger, an additional four hundred square feet may
29 be used for outdoor storage for each additional acre, up to a maximum of five thousand square feet
30 of outdoor storage. ~~((3.))~~ Outdoor storage ~~((and parking))~~ areas shall have ten-foot wide Type II
31 landscaping as provided in K.C.C. 21A.16.040((-));

32 ~~((D.))~~ C. Except for the A, F and RA zones, ((N))no more than one nonresident ((shall
33 be)) who reports to the lot for work-related responsibilities is employed by ((the)) all home
34 ((occupation or)) occupations. In the A, F and RA zones, no more than three nonresidents who
35 report to the lot for work-related responsibilities are employed by all home occupations;

36 ~~((E.))~~ D. In the R and UR zones, ~~((F))~~the following activities are prohibited as home
37 occupations ((in urban residential zones only)):

- 38 1. Automobile, truck and heavy equipment repair;
- 39 2. Autobody work or painting;

3. Parking and storage of heavy equipment; and

4. Storage of building materials for use on other properties;

~~((F.))~~ E. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for ~~((a))~~ each nonresident employed by the home occupations; and

2. One stall for patrons when services are rendered on-site;

~~((G.))~~ F. Sales are limited to:

1. Mail order sales; ~~((and))~~

2. Telephone, internet, or other electronic commerce sales with off-site delivery; and

3. Items accessory to a service provided to patrons who receive services on the premises;

~~((H.))~~ G. Services to patrons are arranged by appointment or provided off-site;

~~((I.))~~ H. Only vehicles or heavy equipment used in the conduct of ~~((F))~~ the home occupations ~~((or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site, only if:~~

1. ~~No more than one such a vehicle is allowed;~~

2. ~~The vehicle does not park within))~~ are stored or parked on the lot and they are parked in the outdoor storage area or in an accessory building and are not stored or parked in any required setback areas of the lot or on adjacent streets~~((; and~~

3. ~~The vehicle does not exceed a weight capacity of one ton except in the A, F and RA zones on lots at least five acres in size, where it is only if the vehicle does not exceed a weight capacity of two and one-half tons))~~. Any areas used to park or store vehicles or heavy equipment used in the home occupations are considered part of area devoted to the home occupations; and

~~((F.))~~ I. The home ~~((occupation or))~~ occupations do not use electrical or mechanical equipment that results in:

1. A change to the occupancy type of the structure or structures used for the home ~~((occupation or))~~ occupations;

2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

3. Fluctuations in line voltage off-premises;

~~((K. Uses not allowed as home occupations may be allowed as a home industry under K.C.C. chapter 21A.30)).~~

SECTION 20. Ordinance 10870, Section 537, and K.C.C. 21A.30.090 are each hereby amended to read as follows:

~~((A.))~~ Residents of a dwelling unit may establish ~~((a))~~ one home industry as an accessory activity, ~~((provided))~~ as follows:

A. The site area ~~((shall be no less than))~~ is one acre or greater;

B. The total floor area of the dwelling unit devoted to the home industry ~~((shall))~~ does not exceed ~~((50))~~ fifty percent of the floor area of the dwelling unit. ~~((Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home occupation))~~ If accessory buildings or outdoor areas are devoted to the home industry, the amount of additional floor area and outdoor areas shall be established through the conditional use permit;

C. No more than ~~((four))~~ five non~~((-))~~residents ~~((shall be))~~ who report to the site for work-related responsibilities are employed in ~~((a))~~ the home industry;

D. In addition to required parking for the dwelling unit, on-site parking ~~((shall be))~~ is provided as follows:

1. One stall for each non-resident employee of the home industry; and
2. One stall for customer parking;

E. Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:

1. ~~((1,000))~~ One thousand square feet of building floor area devoted to the home industry;
- and
2. ~~((2,000))~~ Two thousand square feet of outdoor work or storage area devoted to the home industry;

F. Sales ~~((shall be))~~ are limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

G. ~~((Ten feet of Type I landscaping shall be provided around portions of p))~~ Parking and outside storage areas ~~((which))~~ that are otherwise visible from adjacent properties or public rights-of-way are screened by ten foot wide Type I landscaping, as provided in K.C.C. 21A.16.040; and

H. The ~~((zoning adjuster shall))~~ department ensures compatibility of the home industry by:

1. Limiting the type and size of equipment used by the home industry to those ~~((which))~~ that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; ~~((and))~~
5. Limiting the floor area of accessory buildings and the outdoor areas devoted to the home industry to be compatible with the surrounding neighborhood; and

107 ~~((5-))~~ 6. Requiring sound level tests for activities determined to produce sound levels
108 ~~((which))~~ that may be in excess of those ~~((set forth))~~ in K.C.C. chapter 12.88."

109 Renumber the remaining sections and correct any internal references accordingly.

110 **EFFECT:**

The amendment modifies standards for home occupations as follows:

- It allows use of accessory buildings, such as garages and workshops, for all activities of the home occupation, but limits the floor area based on lot size.
- It clarifies existing provisions allowing use of outdoor areas that can be used in the home occupation
- It increases to three the number of non-resident employees for home occupations in the A, F, and RA zones. In other zones, only one non-resident employee is allowed. Employees who do not report to the site for work are not included.
- It allows incidental sales to patrons receiving services and updates terminology to recognize internet and other electronic commerce.
- It eliminates limitations on number and size of vehicles that may be used in the home occupation. Parking areas for vehicles is included in determining the area that is devoted to the home occupation.

The amendment modifies standards for home industry as follows:

- The area of accessory buildings and outdoor areas that may be used in a home industry is established through the conditional use permit
- It increases to five the number of non-resident employees that may be employed. Employees who do not report to the site for work are not included.